

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

METROPOLITAN LIFE INSURANCE
COMPANY,

Plaintiff,

vs.

LINDA JOHNSON AND
MALAICI HARVEY,

Defendants.

Civil Action No.: 1:18-cv-197 (KAM)(CLP)

THIS MATTER, having been opened to the Court upon application of McElroy, Deutsch, Mulvaney & Carpenter, LLP, attorneys for Plaintiff, Metropolitan Life Insurance Company ("MetLife"), and upon notice to Linda Johnson and Malaici Harvey ("Defendants"), and the Court having reviewed and considered the application and all materials submitted herewith and all pleadings and proceedings to date, and the Court being fully informed:

IT IS on this 27th day of April 2020,

ORDERED that Defendants are compelled to litigate, adjust and/or settle among each other their respective and lawful entitlement to the life insurance benefits payable pursuant to the Building Service 32 BJ Health Fund's Basic Life Insurance Plan (the "Plan") as a result of the death of Anthony McLeod, (the "Decedent") or upon their failure to do so, this Court to settle and adjust the claims and determine to whom the life insurance benefits, which are deposited with the Clerk of the Court, should be paid; and it is further

ORDERED that the Defendants be and hereby are permanently restrained and enjoined from instituting and/or prosecuting any other suit, cause of action or civil proceeding in any state, federal or other court of competent jurisdiction against MetLife, Building Service 32 BJ

Health Fund, and Building Service 32 BJ Health Fund's Basic Life Insurance Plan (the "Plan") seeking the Plan benefits, plus any applicable interest, or asserting damage claims arising under the said Plan, on account of the death of the Decedent; and it is further

ORDERED that MetLife hereby is dismissed from this action with prejudice and without any further liability in connection with the Plan and the Plan benefits due thereunder as a result of the death of the Decedent; and it is further

ORDERED that the Clerk of Court is respectfully directed to serve a copy of this Order on Defendants at their addresses of record and to note service on the docket.

/s/ U.S.D.J. Kiyo A. Matsumoto

Kiyo A. Matsumoto, USDJ April 27, 2020